

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 201910697	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/02/2019 1:10 AM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 6/2/2021	EO SOL 1/17/2022	
Date/Time CV Reported Mon, 12/02/2019 1:32 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/13/2019 11:14 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Carlos Nunez	06098	958996	046 PCT
2. POM Raymond Frias	00294	966068	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Carlos Nunez	Abuse: Police Officer Carlos Nunez did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
B.POM Raymond Frias	Abuse: Police Officer Raymond Frias did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)

## Case Summary

On December 2, 2019, § 87(2)(b) filed this complaint with the Internal Affairs Bureau, under log #2019-43494. On December 13, 2019, the CCRB received this complaint.

On December 2, 2019, at approximately 1:10 a.m., Police Officer Raymond Frias and Police Officer Carlos Nunez, both of the 45<sup>th</sup> Precinct, responded to § 87(2)(b) in the Bronx for a call regarding criminal mischief. After a few minutes of PO Nunez knocking, § 87(2)(b) opened the door, while on his knees. After a brief conversation, § 87(2)(b) slammed the front door of his apartment. As PO Frias and PO Nunez walked away, § 87(2)(b) opened the front door once again and allegedly requested them to obtain medical attention for him. § 87(2)(b) closed his door again, after which the officers left the building without requesting medical attention for § 87(2)(b) (**Allegations A and B: Abuse of Authority, § 87(2)(g)**).

There were no arrests made or summonses issued at the result of this incident.

The NYPD provided BWC footage pertaining to this incident (BR01, BR02).

On August 3, 2020, this case was reassigned from Inv. William MacLure to Inv. Jessica Russo § 87(2)(g).

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Carlos Nunez did not obtain medical treatment for § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Raymond Frias did not obtain medical treatment for § 87(2)(b)**

The following facts are undisputed: On December 2, 2020, at approximately 1 a.m., PO Nunez and PO Frias responded to § 87(2)(b)'s apartment, at § 87(2)(b) in the Bronx, pertaining to a call regarding criminal mischief. PO Nunez knocked on the door, after which § 87(2)(b) opened the door, while on his knees. PO Nunez and § 87(2)(b) engaged in a brief conversation, where § 87(2)(b) did not request medical attention at any point. The apartment door slammed shut, and PO Frias and PO Nunez walked away, marking the radio run as unfounded.

PO Nunez and PO Frias both turn their BWC (BR 01, BR 02) off after § 87(2)(b)'s door slams shut and they both walk away.

§ 87(2)(b) testified (BR03) that after briefly speaking with PO Nunez, both officers allegedly began walking toward the exit of the building. As they walked away, § 87(2)(b) accidentally closed the door because he had pain in his knees from kneeling. § 87(2)(b) opened the door, again, and saw PO Nunez and PO Frias walking away; he added that neither officer tried to help him off the floor. As the officers were walking, § 87(2)(b) stated "Fuck you. You don't want to help me? You see me on the floor, you can't even reach down and help me up?" When the officers reached the exit, § 87(2)(b) asked, "Why don't you help me or ask me if I need medical attention?", adding, "Fuck you. You can't even call me an ambulance or help me up or ask if I need medical attention."

PO Nunez stated (BR04) that after about a minute of speaking with § 87(2)(b) he slammed the door, which PO Nunez believed was intentional. The officers walked away, informing the dispatcher that § 87(2)(b) was uncooperative and slammed the door in their faces. As the officers reached the exit, § 87(2)(b) opened the door again, said something else incomprehensible that included "Fuck you", and then he closed the door again.

PO Frias's statement (BR05) was consistent with PO Nunez's statement.

§ 87(2)(g)

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR06).
- PO Nunez has been a member-of-service for five years and has been a subject in one other CCRB complaint—201807924, and two allegations, none of which were substantiated. § 87(2)(g)
- PO Frias has been a member-of-service for two years, and this is the first CCRB complaint to which he has been a subject.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) was not offered mediation.
- According to the Office of the New York City Comptroller, § 87(2)(b) has not filed a notice of claim regarding this incident as of October 5, 2020 (BR07).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 11

Investigator:



Signature

Inv. Jessica Russo

Print Title & Name

12/4/2020

Date

Squad Leader:

Edwin Pena

Signature

IM Edwin Pena

Print Title & Name

12/05/20

Date

Reviewer:

Signature

Print Title & Name

Date

